

United States District Court

for the
Western District of New York

United States of America

v.

Case No. 20-mj-21

VICTOR YAO APELETEY

and

STEPHEN KOJO MATEY

Defendant



CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about February 13, 2020, in the Western District of New York, the defendants, VICTOR YAO APELETEY, and STEPHEN KOJO MATEY, did:

- (1) knowingly and willfully conspire and agree to commit an offense against the United States, that is, to knowingly export a motor vehicle knowing the same to have been stolen; and
- (2) knowingly and willfully make materially false and fraudulent statements to officers of the United States Department of Homeland Security, Customs and Border Protection and Homeland Security Investigations, in a matter under their jurisdiction;

all in violation of Title 18, United States Code, Sections 371 and 1001(a)(2).

This Criminal Complaint is based on these facts:

☒ Continued on the attached sheet.

Complainant's signature

Marc A. Matla, Special Agent, HSI

Printed name and title

Sworn to before me and signed in my presence.

Date: February 14, 2020

Judge's signature

City and State: Buffalo, New York

HON. HUGH B. SCOTT, USMJ

Printed name and title

AFFIDAVIT IN SUPPORT OF COMPLAINT

I, Marc A. Matla, being duly sworn, depose and say:

1. I have been employed as a Special Agent with Homeland Security Investigations (HSI) since May 2010. HSI is an agency within the Department of Homeland Security, which is in the executive branch of the federal government. Prior to my appointment with HSI, I served as a Postal Inspector with the United States Postal Inspection Service from May 2008 through May 2010. Prior to my appointment as a Postal Inspector, I served as a Special Agent with the United States Secret Service (USSS) from July 2003 to May 2008. And prior to my appointment with the USSS I served as a Trooper and Investigator with the Virginia State Police (VSP) from November 1993 to July 2003.

2. I make this affidavit in support of a criminal complaint charging **VICTOR YAO APELETEY** ("APELETEY") and **STEPHEN KOJO MATEY** ("MATEY") with violating Title 18, United States Code, Sections 371 (Conspiracy to Export a Stolen Vehicle) and 1001(a)(2) (False Statements).

3. The information in this affidavit is based on my personal knowledge and upon reports and information received from other law enforcement officers. Because this affidavit is being submitted for the limited purpose of establishing probable cause, I have not included every fact I have learned during this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that APELETEY and MATEY violated Title 18, United States Code, Sections 371 and 1001(a)(2).

4. On February 13, 2020, at approximately 12:55 p.m., APELETEY and MATEY attempted to enter the United States from Canada at the Peace Bridge port of entry in Buffalo, NY, which is within the Western District of New York. APELETEY and MATEY were in a 2019 Mercedes Benz bearing a North Carolina temporary license plate 2563356. Officer Charles Giarrizzo with U.S. Customs and Border Protection (CBP) was on the primary inspection lane when the vehicle pulled up. CBP is an agency within the Department of Homeland Security, which is in the executive branch of the federal government. According to Officer Giarrizzo, MATEY was driving and APELETEY was a passenger in the front seat. Officer Giarrizzo said both subjects presented passports and a refusal slip from Canada. Officer Giarrizzo asked the subjects for the vehicle registration and they presented a consent letter from a third party, and other paperwork associated to the vehicle. Officer Giarrizzo asked the subjects why they were refused in Canada and they said they were going to meet someone but got bad information so Canada sent them back. Officer Giarrizzo said he sent APELETEY and MATEY to secondary inspection because the vehicle did not belong to either of them.

5. Once inside the secondary inspection area, CBP Officer Jesse Arcadipane spoke with APELETEY and MATEY. Officer Arcadipane said both subjects claimed to be brother-in-law's, and that MATEY stated he borrowed the Mercedes from a friend named Cindy Flynn and handed a notarized letter, which indicated that Flynn gave permission to the holder of the note to use and take the vehicle to Canada. MATEY could not provide the

contact information for Flynn; noting that she was a friend, and that was all MATEY really knew.

6. Officer Arcadipane conducted record checks on the vehicle VIN and temporary plate but could not locate any information. Officer Arcadipane obtained dealer information from paperwork found inside the vehicle and contacted Bob King Mercedes, located in Wilmington, North Carolina.

7. Officer Arcadipane spoke with the sales manager at Bob King Mercedes. Officer Arcadipane stated that the sales manager had received an email from an unknown person stating that this 2019 Mercedes Benz was to be transported to Canada and then put on a shipping container to Ghana. The tipster also stated that all the paperwork including the identification documents used to purchase the vehicle were fraudulent. The sales manager faxed all the sales paperwork and a copy of the buyer's identification to Officer Arcadipane. Officer Arcadipane said the sales manager contacted the Police Department in Wilmington, North Carolina, to report the vehicle stolen.

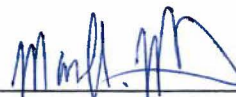
8. CBP Officer Paul Gorczyca searched for Cindy Flynn using identifiers listed on the authorization letter and bill of sale for the Mercedes Benz, such as her date of birth and Social Security Number. Officer Gorczyca contacted a Cindy Flynn, who matched the identifiers, by phone. Flynn said the date of birth and social security number on the paperwork is her own, however, she did not purchase the vehicle nor did she give permission to anyone to use her information to purchase the vehicle.

9. Your affiant responded to the Peace Bridge port of entry with HSI Special Agents Glenn Erny, at which time we interviewed MATEY. I read MATEY his Miranda rights from a preprinted card, and MATEY waived his rights and agreed to be interviewed. During the interview, MATEY stated that there is a group of people that APELETEY is involved with who purchase vehicles fraudulently using other peoples' identities. He knows that the people purchasing the vehicles do not have money. I indicated to MATEY that the vehicles were then stolen, and MATEY agreed. MATEY stated he was going to be paid \$2,000.00 from APELETEY for transporting the Mercedes from Bronx, New York, to Canada. MATEY said the vehicle was to be left in Canada and then shipped to Africa. MATEY said he was going to take a bus back to New York City. However, CBP found a flight booking for MATEY going from Toronto Pearson International Airport to La Guardia Airport, Queens, New York for February 13, 2020. Also found in the vehicle was a speeding ticket in MATEY's name from the State of Virginia. I asked MATEY about the speeding ticket, and he stated it was not him. MATEY said APELETEY took his drivers license and presented it to the trooper when he was stopped. MATEY said he was not with APELETEY at the time.

10. APELETEY was read his Miranda rights, and APELETEY waived his rights and agreed to be interviewed. During the interview, APELETEY would only say that his friend Cindy Flynn let him borrow the Mercedes Benz to travel to Canada to attend a birthday party. APELETEY said he and MATEY were to travel back to the United States a few days later. I asked APELETEY about the speeding ticket found in the Mercedes. APELETEY

admitted he presented MATEY'S driver's license to a trooper in Virginia after being stopped for speeding. APELETEY admitted he received and signed the ticket in MATEY'S name.

11. Based on the foregoing, there is probable cause to believe that APELETEY and MATEY violated Title 18, United States Code, Sections 371 and 1001(a)(2).



Marc A. Matla, Special Agent
Homeland Security Investigations

Sworn and subscribed to before me
this 14th day of February 2020.



HON. HUGH B. SCOTT
United States Magistrate Judge